

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ARCHIE HUTCHINSON,

Plaintiff,

Case No. 1:05-CV-825

v.

Hon. Gordon J. Quist

JOHN S. RUBITSCHUN, et al.,

Defendants.

ORDER AND JUDGMENT
APPROVING REPORT AND RECOMMENDATION

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on January 17, 2007. The Report and Recommendation was served on the Plaintiff for a second time on February 8, 2007. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed January 17, 2007 (docket no. 30), is **APPROVED AND ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that the complaint is **DISMISSED** as an unexhausted habeas petition.

IT IS FURTHER ORDERED that the Defendants' motion for summary judgment (docket no. 16) is **DENIED AS MOOT**.

This case is concluded.

Dated: March 9, 2007

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE